UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Malaciah Tramble,   Civ. File No. 07-4077 (PAM/JJG)

Petitioner,

v.   **ORDER**

State of Minnesota,

Respondent.

This matter is before the Court on Petitioner's objections to the Report and

Recommendation ("R&R") of Magistrate Judge Jeanne J. Graham dated September 27, 2007.

In the R&R, Magistrate Judge Graham found that the Petition for a Writ of Habeas Corpus

failed to raise claims capable of federal habeas review and recommended dismissal of the

Petition. Pursuant to statute, the Court has conducted a de novo review of the record.

28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b). Based on that review and Petitioner's

arguments, the Court adopts the R&R.

As Magistrate Judge Graham explained in the R&R, the United States Supreme Court

has established that a federal court reviewing a habeas petition may not evaluate challenges

to the legality of a search and seizure if the State provided the Petitioner with a full and fair

opportunity to litigate that claim. Stone v. Powell, 428 U.S. 465, 482 (1976). Here, although

Petitioner disagrees with the outcome of his challenges to the search of his automobile and

the seizure of evidence therein, there is no doubt that Petitioner had the opportunity to, and

did, raise his challenges to that search and seizure, both in the trial court and before the

Minnesota Court of Appeals. Regardless of the merits of Petitioner's challenges, this Court

simply cannot review his claims.

Accordingly, based on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Petitioner's application for a writ of habeas corpus (Docket No. 1) is **DENIED**;

2. Petitioner's Application for Leave to Proceed In Forma Pauperis (Docket No. 2) is **DENIED**; and

3. This matter is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 23, 2007

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge